



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 15, 2001

Bob Shaffer, Manager  
Big Lost Irrigation District  
PO Box 205  
Mackay, ID 83251

Re: IDWR Correspondence of June 18, 2001 and Enforcement of Measuring Requirements

Dear Mr. Shaffer,

I have reviewed your correspondence of August 1 that you sent on behalf of the Big Lost River Irrigation District (BLRID) Board of Directors which asks why the Department is not enforcing measurement of diversions above Mackay Reservoir. Your letter referenced the Department's correspondence of June 18, 2001.

The Department's letter of June 18 addressed diversions above the reservoir somewhat differently depending on whether they were located above or below the Chilly Bridge. IDWR intended to enforce measurement requirements above Chilly Bridge in a more expedited fashion since those diversions had been subject to prior measurement orders from IDWR. IDWR sent a new order for measuring devices dated July 6, 2001 to several users with diversions above the Chilly Bridge (copy enclosed). Only two diversions above the Chilly Bridge required orders for installation of measuring devices based on recommendations and information provided by the watermaster. I understand from the watermaster that one of the two diversions has been off since about the time the order was sent. The watermaster granted permission to divert water to the other diversion (the Price Ditch) without a measuring device because one can not be properly installed until the end of the season. The watermaster however has been making measurements on this ditch in lieu of the installed device.

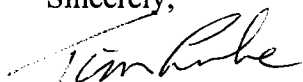
With respect to diversions located below the Chilly Bridge on the main river channel, Parsons Creek and the Back Channel, IDWR did indeed intend to first consider or evaluate measurement needs on case by case basis before initiating any enforcement action. The reason for taking this slower approach for this group of diversions is explained in the June 18<sup>th</sup> letter. Specifically, the letter advised that Rule 35.05 of the Water District 34 Water Distribution Rules provides that diversions above the reservoir and below the Chilly Bridge may be exempt from measuring device requirements with approval of the director. Given this rule and the fact that the irrigation season had already started, IDWR felt that the action outlined in paragraph four of the June 18<sup>th</sup> letter was the more prudent approach to take. We understand that this approach may not meet certain timeline expectations of the BLRID board of directors. However, we believe it is a fair approach.

I can report to you that the watermaster has visited a number of the sites below Chilly Bridge and has discussed measurement device needs with many users and diversion owners in that area. The watermaster has identified some diversions that will likely be eligible for exemption under Distribution Rule 35.05. He has also identified some diversions in this area that are already in compliance and some that will require formal orders for measuring devices. Many of the diversions in the area have been off for much of this season due to lack of water. IDWR intends to send an order this fall that identifies those users and diversions that will require measuring devices as well as those diversions that can be exempt from measurement. Where devices are required, installation must be completed prior to the 2002 irrigation season. IDWR and the water district will seek to shut off delivery of water and/or send Notice of Violations for any diversion that is not in compliance with orders that are sent this year. IDWR will make an effort to copy the BLRID board of directors with any orders that are sent relative to this issue.

Since this letter addresses measurement and measuring device concerns, I wish to take this opportunity to point out to the BLRID board of directors that some of the BLRID's own measuring devices below the reservoir are in need of maintenance or replacement. I and the watermaster are aware of several ditches below the reservoir that either have no devices or have had inadequate measuring devices for the past several years including the 3 in 1, B&J, Streeter and Miller Ditches. I trust that the BLRID will review all of its devices this year and make all necessary repairs and replacements prior to the 2002 irrigation season.

Please contact me directly at 327-7864 if you have further questions or concerns regarding this matter. I do plan to visit the area next month to inspect certain individual diversions above the reservoir as well as tend to some other matters involving the water district. I would be happy to visit with you at that time if necessary.

Sincerely,



Tim Luke  
Water Distribution Section Manager

Enclosure

Cc: Doug Rosenkrance, Watermaster  
Eastern Region